

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-003800

05/12/2014

HONORABLE DOUGLAS GERLACH

CLERK OF THE COURT
C. Keller
Deputy

CHARLES RODRICK, et al.

CHARLES RODRICK
34522 N SCOTTSDALE RD, #120-467
SCOTTSDALE AZ 85266

v.

DAVID MICHAEL ELLIS, et al.

RICK POSTER

RANDAL HUTSON
ERIC A MARK
JOE M ROMLEY

**TRIAL MINUTE ENTRY
DAY FIVE**

Prior to commencement of trial, Defendant/Counterclaimant David M. Ellis' exhibits 403 through 408 are marked for identification.

East Court Building – Courtroom 513

9:32 a.m. Trial to a jury continues from May 8, 2014. Plaintiff/Counterdefendant Charles Rodrick is present on his own behalf. Plaintiff/Counterdefendant Traci Heisig is present and represented by counsel, Eric A. Mark. Defendant/Counterclaimant David M. Ellis is present and represented by counsel, Rick Poster. Defendant/Counterclaimant Lois A. Flynn is present and represented by counsel, Joe M. Romley. Defendants/Counterclaimants Adam Galvez and Susan Galvez are present and represented by counsel, Randal Hutson.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

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The jury is present.

Counsel for Defendant Lois Flynn having been permitted to call a witness out of order, Traci Heisig (having been sworn previously) now testifies.

Defendant/Counterclaimant Adam Galvez' exhibit 409 is marked for identification.

Exhibit 390 is offered but not received in evidence.

Discussion is held regarding time allotments for the parties.

The witness is excused, subject to recall.

Lois Flynn, having been sworn previously, now testifies.

10:55 a.m. The jury is reminded of previous admonitions and leaves the courtroom. Court stands at recess.

11:15 a.m. Court reconvenes with the parties and respective counsel present.

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The jury is present.

Lois Flynn resumes the stand and testifies further.

Exhibit 275, 373, 374, 375, and 376 are received in evidence.

Exhibits 18, 225, and 273 are offered but not received in evidence.

12:01 p.m. The jury is reminded of previous admonitions and leaves the courtroom. Court stands at recess.

1:31 p.m. Court reconvenes with the parties and respective counsel present.

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The jury is not present.

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Discussion is held regarding jury instructions, the trial schedule, and verdicts.

For the reasons set forth on the record,

IT IS ORDERED motions for judgment as a matter of law will be heard upon the conclusion of evidence presented by Defendants/Counterclaimants.

Counsel for Defendants Adam Galvez and Susan Galvez informs the Court that Defendants Galvez voluntarily dismiss the racketeering claim against Plaintiff/Counterdefendant Traci Heisig. Accordingly,

IT IS ORDERED the racketeering claim against Plaintiff/Counterdefendant Traci Heisig is dismissed.

1:39 p.m. The jury enters the courtroom and trial continues.

Lois Flynn resumes the stand and testifies further.

The witness is excused.

Adam Galvez, having been previously sworn, resumes the stand and testifies further.

Exhibit 228 is received in evidence.

Exhibit 289 is offered but not received in evidence.

2:57 p.m. The jury is reminded of previous admonitions and leaves the courtroom.

Court remains in session.

Discussion is held regarding jury instructions.

2:58 p.m. Court stands at recess.

3:15 p.m. Court reconvenes with the parties and respective counsel present.

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The jury is present.

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Adam Galvez resumes the stand and testifies further.

The witness is excused.

Susan Galvez, having been sworn previously, now testifies.

The witness is excused.

Discussion is held regarding the trial schedule.

3:55 p.m. The jury is reminded of previous admonitions and leaves the courtroom.

Court remains in session.

Discussion is held regarding verdict forms, jury instructions, and exhibits.

4:02 p.m. Court stands at recess until May 13, 2014 at 9:30 a.m.